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Attorney Docket No.: 020375-004900US

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On December 7, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Janet L. Newmaker
Janet L. Newmaker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Robert C. Guy et al.

Application No.: 10/091,653

Filed: March 5, 2002

For: SYSTEM AND METHOD FOR
MANAGING ACCOUNTS

Customer No.: 20350

Confirmation No.: 9166

Examiner: Pierre E. Elisca

Art Unit: 3621

APPELLANTS' BRIEF UNDER 37 C.F.R.
§ 41.37

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants offer this Brief further to the Notice of Appeal mailed on November 23, 2004.

1. Real Party In Interest

First Data Corporation is the real party in interest as the assignee of the above-identified application.

2. Related Appeals And Interferences

No other appeals or interferences are known that will directly affect, are directly affected by, or have a bearing on the Board decision in this appeal.

3. Status Of Claims

Claims 1-23 are currently pending in the application. All pending claims stand finally rejected pursuant to a final Office Action mailed on October 12, 2004. The rejection of claims 1-23 are believed to be improper and are the subject of this appeal.

4. Status Of Amendments

No amendments have been filed subsequent to the final Office Action mailed on October 12, 2004.

5. Summary Of Claimed Subject Matter

Appellants' invention is directed to a system and method for managing accounts where more than one customer (cardholder) may be associated with each account.

In the system recited in claim 1, customers using each account have different roles to the account (specification, page 5, lines 13-26), and each customer may conduct a transaction by using a presentation instrument (e.g., credit card) issued to that customer (specification, page 6, lines 10-16, and Fig. 2, cards 230a-230e), the presentation instrument presented to a merchant in order to conduct a transaction (specification, page 4, lines 31-34). A database (Fig. 1, database 130) stores and relates a customer ID associated with each customer, an account ID associated with each account, and a presentation ID (card number) associated with each presentation instrument (specification, page 6, lines 21-27, and Fig. 3). As further recited, a database management system (Fig. 1, DBMS 120) manages the data in the database, and posts transactions to an account in response to receiving a presentation ID with such transaction data, the presentation ID being used by the data management system to access the account and thereby reflect that the transaction has been conducted for the account (specification, page 4, line 31, through page 5, line 7).

In claim 15, a method is recited in which an account is accessed by multiple customers, and a customer may conduct a transaction by presenting a presentation instrument (specification, page 4, lines 31-34). The method further includes providing a database (Fig. 1, database 130), and storing in the database a customer ID, an account ID, and a presentation ID that is different than the customer ID (specification, page 4, lines 12-21, page 6, lines 21-27, and Fig. 3). The database is structured in order to relate account IDs and presentation IDs to each customer ID (specification, page 4, lines 15-21, and Fig. 3). Furthermore, the database is managed in order to post transactions by using the presentation ID provided by a customer to retrieve an account ID and associate transaction data to that account (specification, page 9, lines 4-9).

In claim 23, a similar system is recited as including means for storing a customer ID, an account ID, and a presentation ID (Fig. 1, database 130), and means for managing the data and posting transactions to the database (Fig. 1, DBMS 120).

Other embodiments of the invention are recited in the dependent claims. For example, claims 2 and 5 recite that the customer ID is permanent (specification, page 4, line 22). Claims 3, 4 and 16 recite a suspense record (for invalidating a transaction) that is assigned when the presentation instrument is no longer usable (specification, page 7, lines 27-32). Claims 6, 7, 8, and 22 recite embodiments where customer ID, account ID and presentation ID may be different (specification, page 5, lines 8-11, page 8, lines 15-25, and Fig. 3). Claims 9-12 and 17-20 recite different aspects of the roles assigned to customers or cardholders (specification, page 5, lines 13-26). Claim 13 recites that the presentation instrument is a credit card (specification, page 4, line 15) and claim 14 recites that the database is a relational database (specification, page 3, line 29).

As explained in the specification, Appellants' invention of having a separate customer ID for each customer permits the customer ID (and associated data) to be maintained even as presentation IDs (and account IDs) change. As further explained, this has significant advantages, such as when a presentation instrument (credit card) is lost or stolen. The card and card number may be replaced without having to close the account and replace the cards of other customers using the same account (see, for example, specification, page 8, lines 10-14).

6. Grounds Of Rejection To Be Reviewed On Appeal

Claims 1-23 are rejected under 35 U.S.C. § 102(b) as anticipated by US Patent No. 5,483,445 (“**Pickering ‘445’**”) and U.S. Patent No. 5,684,965 (“**Pickering ‘965’**”).

7. Argument

For purposes of the rejection of the claims, the Examiner appears to view **Pickering ‘445** and **Pickering ‘965** (collectively, the “**Pickering References**”) as each having the same disclosure (and uses duplicated Remarks in the final Office Action in connection with both references). Accordingly, Appellants will treat the **Pickering References** as the same for purposes of these arguments (and will not repeat the same arguments for each). If Appellants have misunderstood the Examiner’s Remarks, and if the Examiner or Board, in fact, desire to treat the **Pickering References** separately, Appellants will gladly do so in a Supplemental Brief.

Appellants believe all pending claims are clearly allowable over the cited references.

Claims 1, 15 and 23

The **Pickering References** both show a system for consolidating individual company charges (e.g., utility charges) into a single monthly statement. While the Examiner states that the references show a customer ID, an account ID and a presentation ID, Appellants believe the Examiner mischaracterizes or misunderstands the **Pickering References** or Appellants’ invention, or both.

For example, the Examiner states in his Remarks with the final rejection (paragraphs 4 and 5) that the “customer ID , account ID, and presentation ID are interpreted as customer telephone number, customer’s account number and customer’s name or customer’s social security number.” First, such a characterization of “customer” ignores the relationship of the parties involved in the system of the **Pickering References**, namely, the utility companies (whose charges are being presented to a single customer) and the single customer who has the utility charges consolidated and presented in a single bill for the customer to pay. There is only one customer in the **Pickering References**, and that customer appears at the top of the illustrated

statement (Fig. 7 of **Pickering '445** and Fig. 4 of **Pickering '965**). The utility companies having charges consolidated and appearing on the statement are not "customers." Rather, they are the vendors or merchants whose products/services are being purchased by a customer.

Further, in the **Pickering References**, while a telephone number is shown (which the Examiner appears to interpret as the "customer ID" of Appellants' invention), it is a utility company telephone number and not a "customer number" (it is shown in the **Pickering References** as a "customer service number" -- see, e.g., Fig. 7 of **Pickering '445** -- to be used by a customer to call a utility company when seeking customer service, and is not a "customer ID associated with each customer," as in claim 1). Further, there is no presentation instrument (e.g., credit card) in the **Pickering References**. In particular, there is no "presentation instrument presented by a customer . . . to conduct a transaction," as recited in claims 1 and 23. Although the Examiner indicates in his Remarks (paragraphs 4 and 5) that Appellants' "presentation instrument presented by the customer to a merchant in order to conduct a transaction" is disclosed somewhere in column 13, lines 9-67, and column 14, lines 1-67, of each of the **Pickering References**, Appellants are unable to find any such disclosure.

Also, while the Examiner appears to interpret the "customer name or social security number" in the **Pickering References** as the presentation ID of Appellants' invention, there is only one customer in the **Pickering References** (and, hence, one name or number for a customer), and not a system where "more than one customer may be associated with each account" and "each customer has a role relating to such account," as in claim 1.

Not only are the specific elements of Appellants' invention not shown, but the purpose, use and environment of the **Pickering References** is completely different and non-analogous to the purpose, use and environment of Appellants' invention, which is to have a customer ID separate from a presentation ID (and account ID) so that if the presentation instrument is rendered unusable (e.g., lost or stolen), the presentation instrument may be replaced without having to close the account.

Thus, the **Pickering References** do not show or suggest the invention of claims 1 and 23. If one were to try to analogize the **Pickering References** to Appellants' invention, they would suggest no more than a conventional credit card account (multiple vendors or merchants having their transactions consolidated or posted at a single credit card account to be paid by a single customer). This is not Appellants' invention and, if anything, the **Pickering References** teach away from Appellants' invention, since they do not teach or suggest multiple customers using a single account but each having their own customer ID, and each using a presentation instrument that is presented to a merchant to conduct transactions.

Method claim 15 is allowable over the **Pickering References** for the same reasons as given above in relation to claims 1 and 23. Appellants point out that although claim 15 does not recite that each customer has a "role" relating to each account (as in claims 1 and 23), it does recite that an account is "accessible by multiple customers" and that a presentation instrument is presented "to a merchant in order to post a transaction to the account." It further recites storing in a database the customer ID, account ID, and presentation ID, with "the presentation ID being different than the customer ID," structuring the database to relate the customer ID, account ID and presentation ID, and managing the database in order to post transactions "in response to receiving transaction data with the presentation ID." Such limitations are not shown in the **Pickering References**.

Claim 2

As to claim 2, Appellants recite that "the customer ID is permanent and does not appear on the presentation instrument as the presentation ID, so that if the presentation instrument is unusable, a new presentation ID may be issued . . ." As can be best understood, the Examiner's position in paragraphs 4 and 5 of the Remarks appears to be that the customer ID is the customer service number seen in the **Pickering References**. For the reasons mentioned previously, such a reading of the **Pickering References** is clearly wrong. Such a telephone number has nothing to do with a customer ID as claimed and disclosed by Appellants. However, in the Remarks pertaining to claim-2, the Examiner appears to take a different position, namely, that the customer's social security number is the "customer ID." A social security number does

not serve the purpose of the customer ID as recited in Appellants' claims (i.e., using a customer ID and an account ID in order to relate "each presentation ID to a specific customer and one account used by that specific customer," as recited in claim 1, and, thus, included in the scope of dependent claim 2). While the **Pickering References** do not appear to disclose a "presentation instrument," if the Examiner's belief is that the consolidated statement is the presentation instrument, Appellants point out that the statement's reference number (presentation ID?) does not relate to one account, but rather to a plurality of utility accounts consolidated on the statement.

Also, the Examiner appears to state in the Remarks (paragraph 7b) that the customer ID may also be the customer's account number seen in Figs. 4 and 7 of the **Pickering References** (based on the Examiner's comment that the "Applicant should note that a customer's account number is a customer ID"). Thus, it appears that the Examiner takes the position that Appellants' "customer ID" is the customer service number, the customer's social security number, and the customer's utility account number seen in the **Pickering References**. If this is the case, then where are the presentation ID and account ID? In order for Appellants to more directly respond to the Examiner's Remarks, it is respectfully requested that the Examiner clarify his position in the Examiner's Answer to this Brief, and state specifically what elements in the **Pickering References** are believed to be Appellants' recited customer ID, account ID, and presentation ID.

Claims 3, 4 and 16

Claims 3 and 4 depend from claim 1, and claim 16 depends from claim 15. Hence, the rejection of these claims is believed improper for the same reasons discussed above with reference to claims 1 and 15. Additionally, claims 3, 4 and 16 recite a suspense record that is assigned when the account is no longer usable. Such a suspense record is not disclosed in the **Pickering References**. Appellants note that the Examiner has not indicted in his Remarks where such a suspense record can be found in the **Pickering References**, most likely because -- in Appellants' opinion -- there is no such suspense record in the **Pickering References**.

Claims 6, 7, 8 and 22

Claims 6, 7, 8 and 22 recite embodiments where the customer ID, account ID, and presentation ID may be different (in addition to the other limitations of their respective parent claims). As mentioned earlier, there is no presentation instrument in the **Pickering References** and, thus, there are not the separate elements of a presentation ID, a customer ID, and an account ID, let alone the limitations relating to those IDs being different as recited in these dependent claims and which, as pointed out in the specification, provide various advantages (such as the ability to replace a credit card without having to change an account ID or a customer ID).

Claims 9, 10, 11, 12, 17, 18 and 20

Claims 9-12 and 17-20 each recite different aspects of the roles assigned to customers or cardholders. As noted earlier, there is nowhere in the **Pickering References** any disclosure of roles that customers may have in relation to the account (and the Examiner has not pointed out where any such disclosure can be found in the **Pickering References**).

Claim 13

Claim 13 recites that the presentation instrument is a credit card. There is clearly no disclosure of a credit card in the **Pickering References** (and the Examiner has not pointed to any such disclosure in his Remarks).

Claim 14

Claim 14 recites that the database is a relational database. Again, there is no disclosure of such a database in the **Pickering References** (and the Examiner has not pointed to any such disclosure in his Remarks).

8. Conclusion

Appellants believe that the above discussion is fully responsive to all grounds of rejection set forth in the final Office Action dated October 12, 2004, and that such final rejection should be reversed.

If, for any reason, the Examiner believes a telephone conference would expedite resolution of the issues raised in this appeal, the Examiner is invited to telephone the undersigned attorney at 303-571-4000.

Respectfully submitted,



Date: December 7, 2004

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APPENDIX

1. (Previously Presented) A system for managing accounts, wherein more than one customer may be associated with each account, wherein each customer has a role relating to such account, and wherein a customer may conduct a transaction for such account by using a presentation instrument issued to that customer, the presentation instrument presented by the customer to a merchant in order to conduct a transaction, the system comprising:

a database for storing a customer ID associated with each customer, an account ID associated with each account, and a presentation ID associated with each presentation instrument, the database structured for relating each presentation ID to a specific customer and to one account used by that specific customer; and

a database management system for managing the data stored in the database and for posting transaction data to any account in response to receiving a presentation ID with such transaction data, the presentation ID being used by the data management system to access the account and thereby reflect that the transaction has been conducted for the account.

2. (Original) The system of claim 1, wherein the customer ID is permanent and does not appear on the presentation instrument as the presentation ID, so that if the presentation instrument is no longer usable, a new presentation ID may be issued and the new presentation ID related to the permanent customer ID in the database.

3. (Original) The system of claim 2, wherein the database management system assigns a security suspense record to the account ID for the account associated with the presentation instrument that is no longer usable.

4. (Original) The system of claim 3, wherein the database management system invalidates any transaction where a presentation ID is received that relates to an account ID having a security suspense record.

5. (Original) The system of claim 1, wherein the customer ID is permanent and if a new accounts is established for a customer, the account ID for the new account may be related to the permanent customer ID of that customer.

6. (Original) The system of claim 1, wherein the customer ID, and each account ID and presentation ID are different.

7. (Original) The system of claim 1, wherein the customer ID is different than either the account ID and presentation ID.

8. (Original) The system of claim 1, wherein the presentation ID may be the same as the account ID, but is different than the customer ID.

9. (Original) The system of claim 1, wherein a customer may have one of at least two roles for any account, wherein one of those roles is a primary cardholder role, having primary financial responsibility for that account.

10. (Original) The system of claim 9, wherein the other of the roles is a secondary cardholder role, having the ability to conduct transactions under the account but not having primary financial responsibility for that account.

11. (Original) The system of claim 9, wherein the other of the roles provides the ability to conduct transactions under the account, with those transactions limited by a credit limit.

12. (Original) The system of claim 9, wherein the other of the roles has the ability to conduct transactions under the account, with such transactions tracked to enable the card issuer to market services to the customer having the other of the roles.

13. (Original) The system of claim 1, wherein the presentation instrument is a credit card, and wherein the presentation ID is a card number appearing on the credit card.

14. (Original) The system of claim 1, wherein the database is a relational database.

15. (Previously Presented) A method for managing accounts, wherein an account is accessible by multiple customers in order to conduct transactions, and wherein a customer may conduct a transaction against the account by using a presentation instrument issued to that customer by an issuing institution, and presenting the presentation instrument to a merchant in order to post a transaction to the account, the method comprising:

providing a database;

storing in the database a customer ID associated with each customer, an account ID associated with each account, and a presentation ID used by each customer for accessing at least one of the accounts, the presentation ID being different than the customer ID;

structuring the database in order to relate, to each customer ID, the account ID for at least one account accessible by that customer, and the presentation ID issued to that customer for accessing such account; and

managing the database in order to post a transaction by a specific customer to a specific account in response to receiving transaction data with the presentation ID issued to the specific customer, the presentation ID being used by the data management system to retrieve the account ID of the specific account and thereby associate the transaction data with the specific customer and with the specific account.

16. (Original) The method of claim 15, further comprising:

storing a suspense record in connection with the account ID, when the presentation ID associated with that account ID is not longer usable.

17. (Original) The method claim 15, wherein an account may be accessed by more than one customer, and wherein the method further comprises:

providing a plurality of customer roles in connection with such account, wherein at least one of the roles is one having primary financial responsibility for the account.

18. (Original) The method of claim 17, wherein another one of the roles is one not having primary financial responsibility for the account.

19. (Original) The method claim 17, wherein credit limits for transactions conducted by customers for the account may be different for each of the customer roles.

20. (Original) The method claim 15, further comprising:
establishing transaction criteria for at least one of the roles, so that when the criteria is met, financial service information may be provided by the issuing institution to the customer having that role.

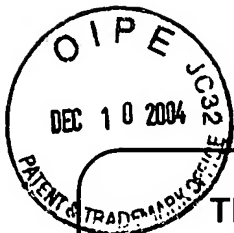
21. (Original) The method of claim 15, further comprising:
storing multiple account IDs in connection with the one customer ID associated with a customer having access to each account associated with the multiple account IDs; and
storing multiple presentation IDs, one associated with each of the multiple account IDs.

22. (Original) The method of claim 21, wherein each presentation ID is different than its associated account ID.

23. (Previously Presented) A system for managing accounts, wherein more than one customer may conduct a transaction in connection with an account, wherein each customer has a role relating to the account, and wherein a customer may conduct a transaction for the account by using a presentation instrument issued to that customer, the presentation instrument presented to a merchant in order to conduct a transaction against the account, the system comprising:

means for storing a customer ID associated with each customer, an account ID associated with each account, a presentation ID associated with each presentation instrument, and a role identifier associated with each customer and identifying a role that such customer has in connection with an account, the database structured for relating each presentation ID to both a specific customer and to an account used by that specific customer; and

means for managing the data stored in the database and for posting transaction data to any account in response to receiving a presentation ID with such transaction data, the presentation ID being used by the data management system to access the account and thereby reflect that the transaction has been conducted in connection with the account.



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number

10/091,653

Filing Date

March 5, 2002

First Named Inventor

Robert C. Guy

Art Unit

3621

Examiner Name

Pierre E. Elisca

Attorney Docket Number

020375-004900US

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
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After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
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Proprietary Information



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Other Enclosure(s) (please identify
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Document(s)Reply to Missing Parts/ Incomplete
ApplicationReply to Missing Parts
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Remarks

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Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Stephen F. Jewett

Date

December 7, 2004

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Janet L. Newmaker

Date

December 7, 2004



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 340

Complete if Known

Application Number	10/091,653
Filing Date	March 5, 2002
First Named Inventor	Robert C. Guy
Examiner Name	Pierre E. Elisca
Art Unit	3621
Attorney Docket No.	020375-004900US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent Claims						
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	340
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)340

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Stephen F. Jewett	Registration No. (Attorney/Agent)	27,565	Telephone	303-571-4000
Signature				Date	December 7, 2004

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